



US Army Corps
of Engineers
Detroit District

Joint Public Notice

Applicant: Dave MacDermott

In Reply Refer To: Corps File No. 05-016-143-0
MDEQ File No. 05-35-40

Date: November 3, 2005
Expires: November 23, 2005

Proposed Discharge of Sand Fill in Coastal Marsh in Lake Huron At Oscoda, Michigan

Applicant: Dave MacDermott, 3730 Crandall Road, Howell, MI 48855

Project Location: in Lake Huron, Section 2, Township 24N, Range 9E, Oscoda, Iosco County, Michigan. The site includes properties from and including 7740 through 7754 North U.S. 23, the eight properties immediately south of Lake to Lake Road.

Federal Authority: The applicant has applied for a Department of the Army permit under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

State Authority: Section 401 of the Clean Water Act requires that all discharges of dredged or fill material must be certified by the State as complying with applicable effluent limitations and water quality standards. This public notice serves as an application to the State of Michigan Department of Environmental Quality, Land and Water Management Division (MDEQ) and constitutes its public notice as required by Section 401 of the Act. Coastal Zone Management Certification (or waiver thereof) is required from the State of Michigan if this proposed activity would occur within the designated coastal zone.

Project Description: As shown on the attached plans, the applicant proposes to mechanically groom coastal wetland swale and discharge sand fill removed from the upland beach and from the non-vegetated beach berm into the swale to an average depth of 4-inches and a maximum depth of 12-inches. The applicant proposes to perform this work on his property measuring 58 feet in frontage, and on seven (7) adjacent properties, six measuring 58 feet and one measuring 74.5 feet, for a total shoreline length of 480.5 feet and a total wetland swale discharge area of approximately one acre. The applicant proposes to discharge 50 cubic yards of sand, half sourced from the non-vegetated berm waterward at the water's edge, into the wetland swale of each 58-foot property, and about 64 cubic yards of sand into the swale on the 74.5 foot wide property, for a total discharge of about 414 cubic yards. The applicant has not identified a purpose for the proposed work, but we presume it is for aesthetic and recreational reasons.

Other Authorizations: The applicant has not indicated that he has received or requested any other governmental authorization.

Comments: We are publishing this notice in compliance with Title 33 Code of Federal Regulations Parts 320-330 and the Michigan statutes listed above. Comments on the project should be submitted in writing and postmarked or delivered by the expiration date of this public notice. Comments of a positive or negative nature may be submitted. All responses must refer to file number 05-016-143-0/05-35-40. We will interpret a lack of response as meaning that there is no objection to the permit application. Comments should be filed with:

a. Wally Gauthier, Chief, Permit Evaluation Branch B, Regulatory Office, Detroit District, Corps of Engineers, P.O. Box 1027, Detroit, Michigan 48231. Comments may be e-mailed to: Henry.Rosenfield@usace.army.mil, but must include a name and mailing address.

b. State permit and/or water quality certification comments should be filed with the Michigan Department of Environmental Quality (MDEQ), Land and Water Management Division, P.O. Box 30204, Lansing, Michigan 48909.

After the closing of the response period, the Corps and the MDEQ will exchange timely comments received.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Evaluation: The decision whether to issue the Department of the Army permit and State permits will be based on independent conclusions of the Corps of Engineers and the Michigan Department of Environmental Quality, respectively, after evaluation of the probable impact of the proposed activity on the public interest. These decisions will reflect the national/state concerns for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments

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are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This activity involves the discharge of dredged or fill material into waters of the United States. Therefore, the U.S. Army Corps of Engineers' evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator of the Federal Environmental Protection Agency, under the authority of Section 404(b)(1) of the Clean Water Act.

Endangered Species: We will review this application for the potential impact on threatened or endangered species pursuant to Section 7 of the Endangered Species Act as amended. We are not aware of the presence of any listed species or critical habitat at or in the vicinity of the proposed worksite. We invite information and/or comments regarding the potential presence of, or impacts to, any listed species or critical habitat.

Cultural Resources: The District Staff has reviewed existing information on historic properties potentially affected by the proposed project, including the National Register of Historic Places. There are no recorded historic properties within the permit area. The permit area has been so extensively modified by modern development that little likelihood exists for the proposed project to impinge upon an undisturbed historic property. The District Engineer invites responses to this Public Notice from federal, state and local agencies, historical and archaeological societies, Indian tribes, and other parties likely to have knowledge of or concerns with historic properties in the area.

Additional Information: Questions concerning this application may be directed to Henry Rosenfield at the Corps of Engineers address listed above, or telephone number (313) 226-6706.

FOR THE DISTRICT ENGINEER:

Steven E. Chester
Director
Department of
Environmental Quality

Wally Gauthier
Chief, Permit Evaluation Branch B
Regulatory Office

NOTICE TO POSTMASTERS:

We request that the above notice be conspicuously and continuously posted for the time period of this notice.

MEMORANDUM THRU Regulatory Office - Administrative

FOR Reproduction (if necessary)

SUBJECT: Public Notice Reproduction/Mailing Request
File No. 05-016-143-0 Applicant: Dave MacDermott

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If you have questions, contact Henry Rosenfield at (313) 226-6706

Wally Gauthier
Chief, Permit Evaluation Branch B
Regulatory Office